

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/811,204
Filing Date: March 26, 2004
Applicant: Daryl Chapman et al.
Group Art Unit: 1745
Examiner: Ben Lewis
Title: NON-FLAMMABLE EXHAUST ENABLER FOR
HYDROGEN POWERED FUEL CELLS
Attorney Docket: GP-302076

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO FINAL OFFICE ACTION

Sir:

This is a Response to the Final Office Action mailed September 6, 2007.

Claims 1, 3, 5 and 8-10 are pending in this application. Claims 1, 4 and 5 stand rejected under 35 USC §102(a) as being anticipated by Ueda et al.; claim 3 stands rejected under 35 USC §102(a) as being unpatentable over Ueda et al. in view of Pratt et al.; claims 8 and 9 stand rejected under 35 USC §102(a) as being unpatentable over Ueda et al. in view of Pratt et al. and Voss; claim 10 stands rejected under 35 USC §102(a) as being unpatentable over Ueda et al. in view of Voss; and claim 1 stands rejected under 35 USC §102(b) as being anticipated by Pratt et al.

In view of the Declarations under 37 CFR §1.131, and the following remarks,

these rejections are traversed, and reconsideration of this application is respectfully requested.

Applicant is submitting herewith a second Declaration under 37 CFR §1.131 that includes signatures by the inventors that did not sign the original Declaration to remove U.S. Publication No. 2004/0013919 to Ueda et al. as a reference. Applicant submits that both Declarations show conception of the invention prior to the effective date of Ueda et al. of July 16, 2003, and due diligence from the effective date to the date of constructive reduction to practice of March 26, 2004. It is therefore respectfully requested that all rejections naming Ueda et al. be withdrawn.

Irrespective of the Declarations under §1.131, Applicant submits that Ueda et al. does not anticipate independent claim 1. The Examiners drawing figure 1 from Ueda in the final office action shows a purge valve 6 in the anode exhaust gas line between the fuel cell stack 1 and the holding chamber 11. Applicants' independent claim 1 includes both a purge valve between the fuel cell stack and the accumulator, and a bleed valve at the output of the accumulator. Further, independent claim 1 states that the bled anode exhaust gas from the accumulator is combined with the cathode exhaust gas.

The Examiner is respectfully reminded of the requirements of anticipation. Particularly, MPEP 2131 states that, "[a] claim is anticipated only if each and every element as set fourth in the claim has found, either expressly or inherently described, in a single prior art reference." Applicant submits that Ueda et al does not teach both a purge valve between a fuel cell stack and the accumulator, and a bleed valve at an output of the accumulator, where the bled anode exhaust gas in the accumulator is combined with the cathode exhaust gas. Therefore, Applicant submits that Ueda

cannot anticipate independent claim 1.

Pratt et al. discloses a method for diluting reacted fuel gas from a fuel cell that includes selectively opening a purge valve 14 to allow anode exhaust gas to be sent to a holding chamber 16, and then slowly bleeding the stored gas in the chamber 16 to the environment through a valve 30. Pratt et al. is specific that the anode exhaust gas bled from the holding chamber 16 is sent to the environment (column 4, lines 4 -15). Applicant submits that Pratt et al. does not teach or suggest that the bled anode exhaust gas from the valve 30 is combined with a cathode exhaust gas in a cathode exhaust gas line. Therefore, Applicant respectfully submits that Pratt does not satisfy the requirements for anticipation as discussed above because it does not teach this element of Applicants' independent claim 1.

U.S. Patent Publication 2003/0118882 to Voss discloses a fuel cell system that includes fuel streams that are operated at pressures below the pressure of the surrounding environment to prevent fuel leaks. Applicant submits that Voss et al. fails to provide the teaching missing from Ueda et al. and Pratt et al. discussed above that would make independent claim 1 obvious.

In view of the preceding remarks, and the §1.131 Declarations, it is respectfully requested that the §102 and §103 rejections be withdrawn.

It is now believed that this application is condition for allowance. If the Examiner believes that personal contact with Applicant's representative would expedite prosecution of this application, he is invited to call the undersigned at his convenience.

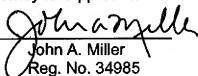
Applicant is filing concurrently herewith, a Power of Attorney to Prosecute Applications before the USPTO (appointing practitioners associated with the Customer

No. 65798 Power of Attorney and changing the Correspondence Address as associated with Customer No. 65798 as identified below) along with a Statement under 37 CFR 3.73(b).

Respectfully submitted,

MILLER IP GROUP, PLC
Attorney for Applicants

By: _____


John A. Miller
Reg. No. 34985

Dated: 11/7/07
42690 Woodward Ave., Ste. 200
Bloomfield Hills, MI 48304
Telephone: (248) 858-4200
Facsimile: (248) 858-4201